

AMENDMENTS TO THE CLAIMS

Listing of Claims:

1. (Currently amended) A method for generating or increasing resistance to at least one plant pathogen in a plant, comprising:
 - a) increasing the amount of protein, or the function, of at least one Bax inhibitor-1 (BI1) protein by transformation in at least one plant tissue of a plant with the proviso that the expression in the leaf epidermis in said plant remains essentially unchanged or is reduced and the expression in the mesophyll in said plant is increased, and
 - b) selecting a plant which exhibits resistance to at least one plant pathogen,wherein the BI1 protein comprises the polypeptide sequence as set forth in SEQ ID NO: 2 or a polypeptide sequence having at least 90% identity with the polypeptide sequence as set forth in SEQ ID NO: 2, and wherein the amount of protein, or the function, of the BI1 protein is effected by recombinant expression of said BI1 protein under the control of a mesophyll-specific promoter.
2. (Cancelled)
3. (Previously presented) The method according to claim 1, wherein the plant pathogen is a necrotrophic or hemibiotrophic pathogen.
- 4-6. (Cancelled)
7. (Currently amended) The method according to claim 1, further comprising
 - (a) stably transforming a plant cell with a recombinant expression cassette comprising a nucleic acid sequence coding for the BI1 protein functionally linked with a ~~tissue-specific~~ mesophyll-specific promoter, wherein the promoter has essentially no activity in the leaf epidermis and is heterologous with regard to said nucleic acid sequence which codes for the BI1 protein;
 - (b) regenerating the plant from the plant cell; and

- (c) expressing said nucleic acid sequence which codes for the BII protein in an amount and for a period sufficient to generate or to increase pathogen resistance in said plant.
- 8. (Previously presented) The method according to claim 1, wherein the plant is a monocotyledonous plant or a dicotyledonous plant.
- 9. (Previously presented) The method according to claim 1, wherein the plant is selected from the group consisting of wheat, oats, millet, barley, rye, maize, rice, buckwheat, sorghum, triticale, spelt, linseed and sugar cane.
- 10. (Cancelled)
- 11. (Previously presented) The method according to claim 1, wherein the plant has an mlo-resistant phenotype, or the expression or function of MLO, RacB and/or NaOx is inhibited or, in comparison with a control plant, is reduced at least in the epidermis and/or the expression or function of PEN2, SNAP34 and/or PEN1 is increased at least in the epidermis in comparison with a control plant.
- 12-13. (Cancelled)
- 14. (Currently amended) A recombinant expression cassette comprising a nucleic acid sequence coding for a BI protein functionally linked with a ~~tissue-specific~~ mesophyll-specific promoter, wherein the BII protein comprises the polypeptide sequence as set forth in SEQ ID NO: 2 or a polypeptide sequence having at least 90% identity with the polypeptide sequence as set forth in SEQ ID NO: 2, and wherein the promoter has essentially no activity in the leaf epidermis and is heterologous with regard to said nucleic acid sequence.
- 15. (Cancelled)
- 16. (Previously presented) A recombinant vector comprising the expression cassette according to claim 14.
- 17. (Previously presented) A recombinant microorganism or plant comprising at least one expression cassette according to claim 14.
- 18. (Cancelled)

19. (Previously presented) The recombinant plant according to claim 17, selected from the group consisting of wheat, oats, millet, barley, rye, maize, rice, buckwheat, sorghum, triticale, spelt, linseed, sugar cane, oilseed rape, cress, Arabidopsis, cabbage species, soybean, alfalfa, pea, beans, peanut, potato, tobacco, tomato, eggplant, paprika, sunflower, Tagetes, lettuce, Calendula, melon, pumpkin/squash and zucchini.

20. (Previously presented) The recombinant plant according to claim 17, wherein the plant additionally has an mlo-resistant phenotype.

21-22. (Cancelled)

23. (Previously presented) The method of claim 1, wherein the BI1 protein comprises a polypeptide sequence having at least 95% identity with the polypeptide sequence as set forth in SEQ ID NO: 2.

24. (Cancelled)

25. (Previously presented) The recombinant expression cassette of claim 14, wherein the BI1 protein comprises a polypeptide sequence having at least 95% identity with the polypeptide sequence as set forth in SEQ ID NO: 2.

26-27. (Cancelled)